

UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, }  
Plaintiff, }  
-vs- }  
FRANKLIN MENDOZA CORPUZ, }  
Defendant. }  
NO. CR-10-6009-WFN-1  
PRELIMINARY ORDER  
OF FORFEITURE

**IT IS HEREBY ORDERED THAT:**

As the result of the guilty plea to Count 1 of the Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 2253, Defendant, FRANKLIN MENDOZA CORPUZ, shall forfeit to the United States any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

The Court has determined, based on the Defendant's plea agreement, that the following assets are subject to forfeiture pursuant to 18 U.S.C. § 2253, and that the government has established the requisite nexus between such assets described below, and such offenses:

(a) A Gateway MX7120, SN: N3263C1014799, and all external media devices to include: Fujitsu 100GB HDD, SN: NSA3T6228URG; Sony Micro Vault 8GB, SN: 473497; (2) Sony 512MB Flash Drive; Sony 1GB Flash Drive; Memorex 2GB (drive lock encryption); PNY 512MB Flash Card; and, Seagate Barracuda External Hard Disk Drive, seized from Defendant's residence in Richland, Washington.

# PRELIMINARY ORDER OF FORFEITURE - 1

1       Upon the entry of this Order, the United States Attorney General (or a designee) is  
2 authorized to seize the above-listed assets subject to forfeiture, whether held by the defendant  
3 or by a third party, and to conduct any discovery proper in identifying, locating or disposing  
4 of the property subject to forfeiture, in accordance with 21 U.S.C. § 2253 and Fed. R. Crim.  
5 P. 32.2(b)(3).

6       Upon entry of this Order, the United States is authorized to commence any applicable  
7 proceeding to comply with statutes governing third party rights, including giving notice of  
8 this Order.

9       Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime  
10 Claims and Asset Forfeiture Actions and 21 U.S.C. § 853(n), as incorporated by 18 U.S.C.  
11 § 2253, the United States will post notice of this order on the official government internet site  
12 (www.forfeiture.gov) for at least 30 consecutive days. The United States may also, to the  
13 extent practicable, provide direct written notice to any person known to have alleged an  
14 interest in the property that is the subject of the Preliminary Order of Forfeiture, as a  
15 substitute for posted internet notice as to those persons so notified.

16       Any person, other than the above-named Defendant, asserting a legal interest in the  
17 above-listed property may, within sixty(60) days of the first posting of notice, or receipt of  
18 notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the  
19 validity of his alleged interest in the above-listed property, and for an amendment of the order  
20 of forfeiture, pursuant to Rule G(5), as incorporated by 21 U.S.C. § 853(n) and 18 U.S.C. §  
21 2253.

22       Any petition filed by a third party asserting an interest in the above-listed property  
23 shall be signed by the petitioner under penalty of perjury and shall set forth the nature and  
24 extent of the petitioner's right, title, or interest in said property, the time and circumstances  
25 of the petitioner's acquisition of the right, title or interest in said property, and any additional  
26 facts supporting the petitioner's claim and the relief sought.

PRELIMINARY ORDER  
OF FORFEITURE - 2

1 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of  
2 Forfeiture is final as to the Defendant at the time of sentencing, and is made part of the  
3 sentence and included in the judgment.

4 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and before a  
5 hearing on the petition, discovery may be conducted in accordance with the Federal Rules  
6 of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve  
7 factual issues.

8 The United States shall have clear title to the above-listed property following the  
9 Court's disposition of all third-party interests, or, if none, following the expiration of the  
10 period provided in Rule G(5), as incorporated by 21 U.S.C. § 853(n)(2) and 18 U.S.C. §  
11 2253, for the filing of third party petitions.

12 The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary,  
13 pursuant to Fed. R. Crim. P. 32.2(e).

14 The District Court Executive is directed to file this Order and provide copies to  
15 counsel.

16 **DATED** this 20th day of July, 2010.

17  
18  
19 07-20

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE